

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 10/11/06 and 8/8/07 received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6-10 are rejected under 35 U.S.C. 101 because the claimed invention falls outside of the statutory categories. While claims 6-10 define a "method", intrinsic evidence within the specification suggests that the method is drawn to steps performed purely by software (i.e., see paragraph [0025]) and software per se is neither a "product" nor a "process" in a statutory sense. The aforementioned intrinsic evidence in the specification suggests that the full scope of the claimed method encompasses nothing more than software and is therefore non-statutory for that reason.

Claims 16-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 16-18 claim the non-statutory subject matter of a communication program. The language of the claim raises a question as to

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whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-8, 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (2002/0176547).

As to claims 1, 6, 15-16, and 18, Jones teaches a communication system comprising: a plurality of telephone devices (Fig. 2, 210 and 211), a communication device which transfers a telephone call received from one of the plurality of telephone devices to another telephone device, and a telephone network which connects the telephone devices and the communication device (Fig. 1; [0032]), wherein the telephone devices have a function of sending identification information on a called party which indicates a destination telephone device (Fig. 2; [0046] - *telephone210 sending/dialing called party number*), and the communication device has functions of recording the identification information on the called party from the telephone device

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([0047] - *recording called party's identification information for billing purposes*), and determining a telephone device of the called party based on the identification information on the called party upon receipt of a telephone call from the telephone service Fig. 2; [0046] - [0049] - *exchange the packets over packet network 206 and links 232, 284, and called party switch 213 and signal processor 202 sending signaling 304 to called party switch with all of the call information*).

As to claims 2, 7, and 12, Jones teaches telephone device sends the identification information on the called party through a communication network (Fig. 1, 106) which is different from the telephone network (Fig. 1 and [0051] - *calls placed over PSTN*).

As to claims 3, 8, and 13, Jones teaches communication network is an Internet (Fig. 1, 106).

As to claims 5, 10, and 14, Jones teaches the identification information on the called party is a telephone number given to the telephone device ([0014] and [0054] - *dialed number, called party telephone number*).

As to claims 11 and 17, Jones teaches a telephone device which is connected to a telephone device of a called party through a communication device (Figs. 1 and 2) to perform a function of sending identification information on a called party (Fig. 2; [0046] - *telephone 210 sending/dialing called party number*) for identifying the telephone device of the called party to the communication device in a preliminary stage of a telephone call to the called party (Fig. 2; [0046] - [0049] - *exchange the packets over packet*

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*network 206 and links 232, 284, and called party switch 213 and signal processor 202 sending signaling 304 to called party switch with all of the call information).*

5. Claims 1-3, 5-8, 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Murai (2003/0048892).

As to claims 1, 6, 15-16, and 18, Murai teaches a communication system comprising: a plurality of telephone devices (Fig. 1, 50 and 14-1 to 14-6), a communication device which transfers a telephone call received from one of the plurality of telephone devices to another telephone device, and a telephone network which connects the telephone devices and the communication device (Fig. 1, PSTN 20 and Internet 40), wherein the telephone devices have a function of sending identification information on a called party which indicates a destination telephone device ([0041], [0052]), and the communication device has functions of recording the identification information on the called party from the telephone device, and determining a telephone device of the called party based on the identification information on the called party upon receipt of a telephone call from the telephone service ([0041], [0045]).

As to claims 2, 7, and 12, Murai teaches telephone device sends the identification information on the called party through a communication network (Internet 40, [0041]) which is different from the telephone network (PSTN 20).

As to claims 3, 8, and 13, Murai teaches communication network is an Internet (Internet 40).

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As to claims 5, 10, and 14, Murai teaches the identification information on the called party is a telephone number given to the telephone device ([0041], [0045]).

As to claims 11 and 17, Murai teaches a telephone device which is connected to a telephone device of a called party through a communication device to perform a function of sending identification information on a called party for identifying the telephone device of the called party to the communication device in a preliminary stage of a telephone call to the called party ([0040]).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (2002/0176547) in view of Wu (US Patent 6,275,575).

As to claims 4 and 9, Jones does not teach the telephone device has a function of making a telephone call to the called party at a different time than sending the identification information on the called party.

Wu teaches making a telephone call to the called party at a different time than sending the identification information on the called party (col. 3, lines 13-26; col. 6, lines 28-40 - *where Wu discussed identification information of participant or called party was obtained prior to making a telephone call to participants*).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Jones for the purpose of having a more efficient system by scheduling and obtaining participants' identification information who are going be able to participant in the conference call prior to initiating contact with the selected participants at a pre-determined time.

8. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murai (2003/0048892) in view of Wu (US Patent 6,275,575).

As to claims 4 and 9, Murai does not teach the telephone device has a function of making a telephone call to the called party at a different time than sending the identification information on the called party.

Wu teaches making a telephone call to the called party at a different time than sending the identification information on the called party (col. 3, lines 13-26; col. 6, lines 28-40 - *where Wu discussed identification information of participant or called party was obtained prior to making a telephone call to participants*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Jones for the purpose of having a more efficient system by scheduling and obtaining participants' identification information who are going be able to participant in the conference call prior to initiating contact with the selected participants at a pre-determined time.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh H Nguyen/  
Primary Examiner, Art Unit 2614